

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-11303-2022****Date of decision : 23.03.2022****Jagmati****....Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ****Present:** Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl.A.G., Haryana.

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**MANOJ BAJAJ, J.**

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.75 dated 25.02.2021 under Sections 323, 379, 506, and 34 Indian Penal Code, 1860 (Section 302 IPC added later on) registered at Police Station Sadar Sonapat, District Sonapat, who is in custody since her arrest on 10.05.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Sonapat in the order dated 02.03.2022 are as under:-

*“Present case FIR was registered on the written complaint made by Deepak, stated therein that on 23.02.2021, he found his brother lying outside the Gate in serious condition. On asking, his brother disclosed that Parkash Attri and his wife had caused injuries to him and they also snatched his mobile phone and cash amount of Rs.50,000/-. When complainant asked, then accused Parkash replied, whatever you can do then to do and when complainant asked as to why his*

*brother was beaten then Parkash said this time his brother saved and if he will again meet then his brother will be killed. On this, initially FIR was registered under sections 323, 506, 379 read with section 34 IPC. Thereafter, during investigation, on 28.02.2021, a telephonic message was received from PGIMS, Rohtak, that during treatment, injured – Deep Chand died on account of injuries sustained by him and then Section 302 of IPC was added.”*

Learned counsel for the petitioner has argued that the victim- Deep Chand, who reached the house of his brother Deepak (complainant) in injured condition had disclosed to him that he was caused injuries by Subhash and his wife, namely, Jagmati (petitioner). Learned counsel has argued that the injuries were suffered by victim on 23.02.2021 and he reached hospital on next day where two injuries were noticed on his person as per MLR (Annexure P-3), and FIR was lodged on 25.02.2021. Later on, when victim died on 27.02.2021, the offence punishable under Section 302 IPC was added. She has argued that the petitioner has been falsely implicated and neither there is any eye witness of the occurrence, nor any weapon of offence was recovered by police during investigation. According to learned counsel, only seven prosecution witnesses have been examined so far out of total 28 witnesses. She prays for bail.

On the other hand, learned State counsel assisted by ASI Kuldeep Singh has opposed the prayer and argued that the information revealed by the victim to his brother is not to be disbelieved, who has specifically named the petitioner and her husband as accused persons. He submits that the trial is progressing at good pace as seven witnesses have been examined and the same would conclude in the near future.

After hearing learned counsel for the parties and considering the above background, this Court is of the opinion that further detention of the petitioner, who is a lady, behind the bars may not serve any useful purpose and the complainant is closely related to the victim and at present there does not seem to be any possibility of his being won over. Since 21 prosecution witnesses remain to be examined, therefore, trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

23.03.2022

vanita

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| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |